

**EXHIBIT**

#10

S-120

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
INFORMAL GRIEVANCE RESOLUTION FORM  
UNIT STAFF**

**FROM:** Rüst, Wolfgang/John E.

Last Name, First, Middle Initial

30118

Number

N.S.P. 5-A-20

Facility/Housing Unit

Page 1 of 6

**PART A: Inmate Request/Concern.**

At approximately 10:50 a.m. on 8/2/05 NSP Religion Coordinator Steve Marsh verbally informed me the following response was made to "A Proposal for the Recognition of Theodish Belief and the letters of Theodish Believe Sacral King Garman Lord": that based on Garman Lord's letters it was determined that Theodish Belief are essentially the same faith and would be combined for religious services, religious property, etc. Mr. Marsh provided me with a handwritten copy of the combined list of faith specific items that have been authorized for both faiths. Mr. Marsh refused to provide me with a written explanation for the denial of each requested item in the Proposal or why our request for separation of Theodish Belief and Asatru separate worship times, worship site, etc. was denied. The aforesaid written explanation any denial is required in Sec. IV.B.3.b. on page 6 of 16 in DCS Administrative Regulation 208.1 "Religious Services" (Revision 9/24/04).

August 4, 2005

Date

Signature

**PART B: Response and Reason(s) for Decision Reached.**

The groups worship in the outside community together. There simply is not enough space and time in the facility for every faith religious faith denomination to be recognized as a separate faith group.

8/23/05

Signature

**NOTE: A copy of this completed *Informal Grievance Resolution Form* must accompany any *Step 1 Institutional Grievance Form*.**

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
INFORMAL GRIEVANCE RESOLUTION FORM  
UNIT STAFF**

**FROM:** Rüst, Wolfgang/John E.  
Last Name, First, Middle Initial

30118

N.S.P.

5-A-20

Number

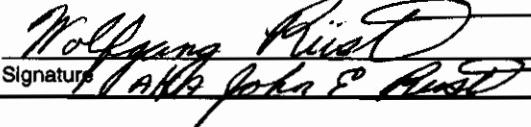
Facility/Housing Unit

Page 2 of 6**PART A: Inmate Request/Concern.**

The policy & procedures and the rules & regulation that DCS Religion Study Committee members, Kathy Blum (Dept. legal counsel who attends Religion Study Committee meetings and provides legal advise on proposals, etc.), Assistant Director-Institutions Frank Hopkins, Assistant Director-Programs and Community Services Larry Wayne, and Director Robert Houston applied to the overall review and findings to approval/disapprove each of the requests set forth in the "A Proposal for the Recognition of Theodish Belief and the letters of Theodish Belief Sacral King Garman Lord" (hereinafter "Proposal") violated and directly violated my sincere religious beliefs/practices in violation of the Free Exercise, Establishment of Religion, and Equal Protection Clauses of both the Nebraska and United States Constitutions, The religious Land Use and Institutionalized Person Act of 2000 (RLUIPA) of 42 U.S.C. §2000cc-§2000cc-5, 42 U.S.C. §1983, §1985 & §1986, and all the other relevant Nebraska and United States statutes and case law.

August 4, 2005  
Date

Signature


**PART B: Response and Reason(s) for Decision Reached.**

SEE Page # 1

Date \_\_\_\_\_

Signature \_\_\_\_\_

**NOTE:** A copy of this completed *Informal Grievance Resolution Form* must accompany any *Step 1 Institutional Grievance Form*.

**PART C: Receipt.****RETURN TO:** \_\_\_\_\_

Last Name, First, Middle Initial

Number

Facility/Housing Unit

I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:

Date \_\_\_\_\_

Signature of Unit Staff Receiving Complaint

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
INFORMAL GRIEVANCE RESOLUTION FORM  
UNIT STAFF**

**FROM:** Rüst, Wolfgang/John E.  
Last Name, First, Middle Initial

30118  
Number

N.S.P. 5-A-20  
Facility/Housing Unit

Page 3 of 6

**PART A: Inmate Request/Concern.**

The DCS Rules and Regulations and/or the overall DCS policy and procedure to review request to practice a faith not presently recognized by the Department and/or to approve/disapprove any request for faith specific practices and/or items, including food, are not valid and violate the Constitutional and statutory provisions or case law, referred to in the paragraph on page 2 of this Grievance, because aforesaid DCS Rules and Regulations and/or overall policy and procedures have not been promulgated pursuant to the Administrative Procedures Act set forth in NEB. REV. STAT. §84-901, et seq. Furthermore, the members of the Religion Study Committee, Kathy Blum, Frank Hopkins, Larry Wayne, and Robert Houston have exceeded constitutional and statutory authority.

The overall DCS review process pursuant to the DCS Rules and Regulations and/or DCS Policy and procedures that produced the determination that Theodish Belief and Asatru are similar and/or

August 4, 2005  
Date

Signature

Wolfgang Rust  
John E. Rust

**PART B: Response and Reason(s) for Decision Reached.**

*SEE Pg # 1*

Date

Signature

**NOTE:** A copy of this completed *Informal Grievance Resolution Form* must accompany any *Step 1 Institutional Grievance Form*.

**PART C: Receipt.**

**RETURN TO:** \_\_\_\_\_

Last Name, First, Middle Initial

Number

Facility/Housing Unit

*I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:*

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Date

Signature of Unit Staff Receiving Complaint

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
INFORMAL GRIEVANCE RESOLUTION FORM  
UNIT STAFF**

**FROM:** Rüst, Wolfgang/John E.  
Last Name, First, Middle Initial

30118  
Number

N.S.P. 5-A-20  
Facility/Housing Unit

Page **4** of 6

**PART A: Inmate Request/Concern.**

the same beliefs/practices and should be combined for joint worship, etc. is contrary to the sincerely held Theodish religious beliefs and practices as set forth in the Proposal. The DCS determination violates the sincerely held religious beliefs and practices of Theodsmen under the constitutional and statutory provisions referred to in the paragraph on page 2 of this Grievance because said determination requires Theodish Belief inmates to worship, share sacred land, share religious implements, etc. with the Asatru whose beliefs/practices are blasphemous and obnoxious to a Theodsman's sincerely held religious beliefs.

The DCS Policy and Procedures and/or Rules and Regulation for the review of inmate requests to practice a faith not presently recognized by the Department and any request for faith specific items and/or practices, including food, not currently approved by

August 4, 2005  
Date

Wolfgang Rüst  
Signature AKA John E. Rüst

**PART B: Response and Reason(s) for Decision Reached.**

*SEE Pg #1*

Date \_\_\_\_\_

Signature \_\_\_\_\_

**NOTE:** A copy of this completed *Informal Grievance Resolution Form* must accompany any *Step 1 Institutional Grievance Form*.

**PART C: Receipt.**

<b>RETURN TO:</b> _____	Last Name, First, Middle Initial	Number	Facility/Housing Unit
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*I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:*

\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Signature of Unit Staff Receiving Complaint \_\_\_\_\_

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
INFORMAL GRIEVANCE RESOLUTION FORM  
UNIT STAFF**

**FROM:** Rüst, Wolfgang/John E.  
Last Name, First, Middle Initial

30118  
Number

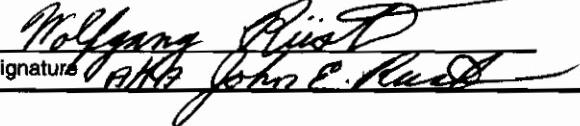
N.S.P. 5-A-20  
Facility/Housing Unit

Page 5 of 6

**PART A: Inmate Request/Concern.**

the Department will be reviewed pursuant to the following criterion: each faith shall receive equivalent religious programming, ... and special programs as required by the faith and consistent with that faith's practice in the community; the theological tenets of the faith group require the use of the item for valid observation of the sacrament; community standard practice for that faith group must support the use of the food item [or for the practice and use of any requested item]; allow the inmate the opportunity to participate in practices of his/her faith deemed essential by the faiths judiciary; or the religious groups community resource has to provide a basic summary of basic doctrines. Nothing in the constitutional and statutory provisions or the case law referred to in the paragraph on page 2 of this Grievance supports the aforementioned mandatory requirements the DCS applies/uses when reviewing any inmate religious request and said mandatory requirements is an intentional violation of my sincerely held religious beliefs and practices.

Date August 4, 2005

Signature 

**PART B: Response and Reason(s) for Decision Reached.**

*SEE Pg# 1*

Date \_\_\_\_\_

Signature \_\_\_\_\_

**NOTE:** A copy of this completed *Informal Grievance Resolution Form* must accompany any *Step I Institutional Grievance Form*.

**PART C: Receipt.**

**RETURN TO:** \_\_\_\_\_  
Last Name, First, Middle Initial \_\_\_\_\_ Number \_\_\_\_\_ Facility/Housing Unit \_\_\_\_\_

*I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:*

\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Signature of Unit Staff Receiving Complaint \_\_\_\_\_

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
INFORMAL GRIEVANCE RESOLUTION FORM  
UNIT STAFF**

**FROM:** Rüst, Wolfgang/John E.  
Last Name, First, Middle Initial

30118  
Number

**N.S.P.** 5-A-20  
Facility/Housing Unit

Page 6 of 6

**PART A: Inmate Request/Concern.**

That each of the Religion Study Committee members, Kathy Blum, Frank Hopkins, Larry Wayne, and Robert Houston exceeded their constitutional and statutory authority when they permit other religions, e.g., Christians, Jews, Muslims, Native American, House of Yahweh, et al., within the DCS to practice their sacred rituals, etc. but refused to grant our Proposal's requests for sacred rituals that have a similar purpose/effect/result/etc. The aforesaid action(s) has the appearance of favoritism among sects and has the appearance of endorsing other religion's sacred rituals over Theodish Belief sacred rituals while refusing to accept/permit Theodish Belief inmates to practice our sincerely held religious beliefs and sacred practices.

Relief request: Dissolve the current decisions on the Proposal and grant the requests set forth in the Proposal.

August 4, 2005  
Date

Wolfgang Rust  
Signature *aka John E. Rust*

**PART B: Response and Reason(s) for Decision Reached.**

*SEE PG #1*

Date \_\_\_\_\_

Signature \_\_\_\_\_

**NOTE:** A copy of this completed *Informal Grievance Resolution Form* must accompany any *Step 1 Institutional Grievance Form*.

**PART C: Receipt.**

**RETURN TO:** \_\_\_\_\_

Last Name, First, Middle Initial

Number

Facility/Housing Unit

*I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Signature of Unit Staff Receiving Complaint

5194

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step One**  
**CHIEF EXECUTIVE OFFICER**

INSTRUCTIONS:  
TYPE OR USE BALL POINT PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT SHEET IN TRIPPLICATE.

From: Rüst, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL

30118

N.S.P. 5-A-20  
NO. 5-A-20

FACILITY/HOUSING UNIT

Page 1 of 8

**Part A - INMATE REQUEST/CONCERN:**

I am dissatisfied with the 8/23/05 Response to my Informal Grievance and I reiterate the entire issue raised in my Informal Grievance. Annexed hereto and made part of this Formal Grievance Process is: the 1/6/04 letter to former NSP Religious Coordinator Randy Donner from Théodish Belief Sacral King Gárman Lord (hereinafter "Gárman") which was submitted to the DCS Religion Study Committee (hereinafter "Exhibit 'A'"); the 8/9/05 letter from Joe Baldassano, Chair of Religion Study Committee (hereinafter "Exhibit 'B'"); and the 8/10/05 response of NSP Religious Coordinator Steve Marsh to my 8/5/05 Inmate Interview Request (hereinafter "Exhibit 'C'").

The DCS policy is: they are not able to provide separate time and space to all subsets of a faith and scheduling of one worship time for Ásatrú and Théodish practitioners is consistent with the way the Department has managed time and space needs for other faiths.

August 29, 2005  
DATE

Wolfgang Rüst  
SIGNATURE OF REQUESTOR  
Rust, John E. Rüst

**Part B - RESPONSE AND REASONS FOR DECISION REACHED**

THE NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES CURRENTLY RECOGNIZES THE THEODISH RELIGION AND HAS MADE PROVISIONS TO ALLOW THEODISH PRACTITIONERS TO WORSHIP & STUDY THEIR FAITH. THE NDCS IS NOT ABLE TO PROVIDE SEPARATE TIME & SPACE FOR ALL RELIGIOUS SECTS TO WORSHIP. WHILE THERE MAY BE SOME DIFFERENCES BETWEEN ÁSATRÚ & THEODISH PRACTICES, INFORMATION PROVIDED TO THE NDCS IS THAT BOTH GROUPS DESCEND FROM NORTHERN HEATHENERY & DO WORSHIP TOGETHER IN THE COMMUNITY. DUE TO TIME & SPACE CONSTRAINTS, THE NDCS HAS SCHEDULED A TIME FOR THE ÁSATRÚ & THEODS TO WORSHIP AS A GROUP. IN ORDER TO ACCOMMODATE SOME INDIVIDUALIZED PRACTICE, THE NDCS DOES ALLOW THE THEODS TO MEET FOR STUDY APART FROM THE ÁSATRÚ AND HAS EXPANDED THE APPROVED PROPERTY LIST FOR THEODISH PRACTITIONERS. THIS IS SIMILAR TO THE WAY NDCS ACCOMMODATES PROTESTANTS OF VARIOUS DENOMINATIONS AND NATIVE AMERICAN PRACTITIONERS OF DIFFERENT TRIBAL AFFILIATIONS. THE DEPARTMENT'S GOAL IS TO ALLOW YOU TO PRACTICE YOUR RELIGION TO THE EXTENT POSSIBLE GIVEN THE LIMITED RESOURCES AVAILABLE AND THE CORRECTIONAL INTERESTS.

CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

9-8-05

W.R.

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step One**  
**CHIEF EXECUTIVE OFFICER**

INSTRUCTIONS:  
TYPE OR USE BALL POINT  
PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT  
SHEET IN TRIPPLICATE.

From: Rust, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL30118  
NO.N.S.P. 5-A-20  
FACILITY/HOUSING UNIT

Page 2 of 8

**Part A - INMATE REQUEST/CONCERN:**

FIRST: Theodish Belief is not a subset/subgroup of a faith. Théodism is organic Retro-Heathenry, which means that we are dedicated to practicing the religion of our ancestors in an authentic, traditional tribal form which is as close to the elder ways as possible. Asatrú is modern Neo-Heathenry/Neo-Paganism faith that finds theodish Retro-Heathenry to be both superstitious and repugnant. On pages 3-5 in Exhibit 'A' Garman succinctly states: "that Théodism and Asatrú stand out as religions as fundamentally different from one another as either is from, say, Christianity", "one cannot compare their status to, say, Catholicism and Protestantism; rather, they sprang from fundamentally different existential origins, and aren't even as closely related as that", and "the synopsis as presented does pretty well as a recapitulation of the salient points in the presentation of the Théodish practical thesis, as distinguished from Asatrú." Therefore, the determination that Théodism and Asatrú are subsets of a faith is specious.

August 29, 2005

DATE



SIGNATURE OF REQUESTOR


**Part B - RESPONSE AND REASONS FOR DECISION REACHED**  
CHIEF EXECUTIVE OFFICER

DATE

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

**Part C - RECEIPT**

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL \_\_\_\_\_ NO. \_\_\_\_\_  
 FACILITY/HOUSING UNIT \_\_\_\_\_

I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

(SEE REVERSE SIDE FOR INSTRUCTIONS FOR APPEAL TO DIRECTOR OR DIRECT SUBMISSION TO DIRECTOR)

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step One****CHIEF EXECUTIVE OFFICER**

INSTRUCTIONS:  
TYPE OR USE BALL POINT  
PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT  
SHEET IN TRIPPLICATE.

From: Rüst, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL

30118

N.S.P. 5-A-20

NO.

FACILITY/HOUSING UNIT

Page 3 of 8

**Part A – INMATE REQUEST/CONCERN:**

SECOND: Exhibit 'B' states: "scheduling one worship time for Asatrú and Théodism practitioners is consistent with the way the Department has managed time and space needs for other faiths" is a specious statement. The Department provides the Christian subsets/subgroups of Catholicism and Protestantism with separate worship times and space every Sunday and Holy Tide, separate worship times and space for Spanish inmates, separate worship times and space for the Christian subsets/subgroups of Jehovah Witness, Community of Christ, Church of Jesus Christ Latter Day Saints, and for other Christian subsets/subgroups. The Department refuses to provide the non-Christian Théodish Belief and Asatrú faiths with separate worship times and space but willing provide the subsets/subgroups of Christianity with separate worship times and space.

August 29, 2005  
DATE

Wolfgang Rüst  
Signature of Requestor  
John E. Rüst

**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

DATE

CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

**Part C – RECEIPT**

Return to:

LAST NAME,

FIRST,

MIDDLE INITIAL

NO.

FACILITY/HOUSING UNIT

I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

(SEE REVERSE SIDE FOR INSTRUCTIONS FOR APPEAL TO DIRECTOR OR DIRECT SUBMISSION TO DIRECTOR)

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step One****CHIEF EXECUTIVE OFFICER**

INSTRUCTIONS:  
TYPE OR USE BALL POINT  
PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT  
SHEET IN TRIPPLICATE.

5-9-20

From: Rüst, Wolfgang/John E.

LAST NAME,

FIRST,

MIDDLE INITIAL

30118

NO.

N.S.P. 8-5-2008

FACILITY/HOUSING UNIT

Page 4 of 8

**Part A - INMATE REQUEST/CONCERN:**

**THIRD:** Scheduling of one worship time on the same Sacred Space and requiring the communal use of Sacred Ritual Religious Property specifically denies Théodish Belief inmates the necessary group worship for valid Théodish practice. As set forth in the Proposal, the Blót is a celebration of the cosmogonic and sociogonic origins of Théodish Belief gods/Sacral Kingship/folk/Worlds/cosmos/tribe/etc. The Proposal clearly establishes the respective Théodish Belief and Asatrú Blots, Sacred Space, ~~mæs~~en, etc. mandate separate worship times and space necessary for valid Théodish Belief group worship and pages 3 & 4 in Exhibit 'A', states: "the watershed divide between the two culti that makes Théodism and Asatrú stand out as religions as fundamentally different from one another as either is from, say, Christianity, is the form of their respective metaphysical philosophies. An Asatrú Blót, or a generic Blót, as decreed by the Department, will deny Theodish Belief inmates of the

August 29, 2009

DATE

Wolfgang Rüst

SIGNATURE OF REQUESTOR

John E. Rüst**Part B - RESPONSE AND REASONS FOR DECISION REACHED**

DATE

ME  
CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

**Part C - RECEIPT**

Return to:

LAST NAME,

FIRST,

MIDDLE INITIAL

NO.

FACILITY/HOUSING UNIT

I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

(SEE REVERSE SIDE FOR INSTRUCTIONS FOR APPEAL TO DIRECTOR OR DIRECT SUBMISSION TO DIRECTOR)

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step One**  
**CHIEF EXECUTIVE OFFICER**

INSTRUCTIONS:  
TYPE OR USE BALL POINT PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT SHEET IN TRIPPLICATE.

From: Rust, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL30118  
NO.N.S.P. 5-A-20  
FACILITY/HOUSING UNIT

Page 5 of 8      **Part A – INMATE REQUEST/CONCERN:**  
 necessary group worship for valid Theodish practice and would be blasphemous to the Theodish gods and to what our religion stands for. It is not the province of the Nebraska Department of Correctional Services government officials to determine religious orthodoxy of Theodish Belief's metaphysical practices as set forth above.

**FOURTH:** The Department is able to provide separate space for land based religious faiths. At the NSP there is a total of seven (7) additional land sites/spaces that could be provided to land based religious faiths. These seven (7) land sites/space are located: two (2) of these sites/spaces have been requeste in the Proposal, the grassy area behind the Soap Factory, the large grassy area South of the gym, the large grassy area South of Housing Unit #1, and the two (2) grassy areas located between Property Control and the Barber Shop/Library. That four (4) of the aforesaid land sites/spaces can be divided into smaller

August 29, 2005  
DATE

Wolfgang Rust  
SIGNATURE OF REQUESTOR

John E. Rust

**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

DATE

N  
CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

**Part C – RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL      NO.      FACILITY/HOUSING UNIT

I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:

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RECIPIENT'S SIGNATURE (STAFF MEMBER)

(SEE REVERSE SIDE FOR INSTRUCTIONS FOR APPEAL TO DIRECTOR OR DIRECT SUBMISSION TO DIRECTOR)

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step One**  
**CHIEF EXECUTIVE OFFICER**

INSTRUCTIONS:  
TYPE OR USE BALL POINT PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT SHEET IN TRIPPLICATE.

From: Rüst, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL

30118  
NO.

N.S.P. 5-A-20  
FACILITY/HOUSING UNIT

Page 6 of 8      **Part A – INMATE REQUEST/CONCERN:**  
spaces which would create between 13-15 spaces for the use of  
land based religious faiths.

FIFTH: Theodish Belief mandates the intense study of our gods, religion, metaphysical philosophies, ethics, maincraft, dreecraft, witchcraft, etc. The refusal to allow Theodish Belief inmates to exchange/loan our personal religious books, booklets, etc. imposes a substantial burden on our ability to study/learn Théodism.

SIXTH: The highlighted portion on page 2 in Exhibit 'A' and in Garman's 3/4/04 letter addressed to the "Religious Study Committee and other concerned parties" specifically states: "that the items Leoden Rüst asks to be allowed are indeed necessary to valid Theodish practice, to the extent that such observance without them would be bound to be unacceptably debilitated." That each of items requested are based on our

August 29, 2005  
DATE

Wolfgang Rüst  
SIGNATURE OF REQUESTOR

John E. Rüst

**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

DATE

10  
CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

**Part C – RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL      NO.      FACILITY/HOUSING UNIT

I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject:

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DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

(SEE REVERSE SIDE FOR INSTRUCTIONS FOR APPEAL TO DIRECTOR OR DIRECT SUBMISSION TO DIRECTOR)

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step One**  
**CHIEF EXECUTIVE OFFICER**

INSTRUCTIONS:  
TYPE OR USE BALL POINT  
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From: Rist, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL30118  
NO.N.S.P. 5-A-20  
FACILITY/HOUSING UNIT

Page 7 of 8

**Part A – INMATE REQUEST/CONCERN:**

sincerely held religious beliefs/practices. That Section B.3.b on page 6 of 16 of Administrative Regulation No. 208.01 "Religious Services" (revised September 24, 2004 and August 31, 2005) mandates that NSP Religious Coordinator Steve Marsh provide the inmate making the request a written explanation of the faith practice denied. That Pursuant to Assistant Director Frank Hopkins's directive Steve Marsh was ordered not to provide me with any copies and that the 8/9/05 letter from Mr. Joe Baldassano would tell me everything Mr. Marsh could tell me, see Exhibit 'C'. However, Mr. Baldassano's 8/9/05 letter did not provide any type of written explanation as to the denial of each requested faith practice item, that was requested in the Proposal, which was denied. To date I have not been provided with any type of written explanation as to why each faith practice item was denied.

August 29, 2005  
DATE

Wolfgang Rist  
SIGNATURE OF REQUESTOR  
aka John E. Rist

**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

DATE

CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

**Part C – RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL NO. FACILITY/HOUSING UNIT

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RECIPIENT'S SIGNATURE (STAFF MEMBER)

(SEE REVERSE SIDE FOR INSTRUCTIONS FOR APPEAL TO DIRECTOR OR DIRECT SUBMISSION TO DIRECTOR)

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES  
GRIEVANCE FORM  
Step One  
CHIEF EXECUTIVE OFFICER**

**INSTRUCTIONS:**  
TYPE OR USE BALL POINT PEN. IF MORE SPACE IS  
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From: Rüst, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL

30118  
NO.

N.S.P. 5-A-20  
FACILITY/HOUSING UNIT

Page 8 of 8

**Part A – INMATE REQUEST/CONCERN:**

Relief requested: Immediately rescind the decision to schedule one worship time for Asatru and Theodish practitioners on the same Sacred Space and the requirement for the communal use of the Sacred Ritual Religious Property and that the Proposal's requests be granted.

August 29, 2005  
DATE

Wolfgang Rust  
SIGNATURE OF REQUESTOR  
aka John E. Rust

**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

DATE

  
CHIEF EXECUTIVE OFFICER

ORIGINAL: TO BE RETURNED TO INMATE AFTER COMPLETION.

**Part C – RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL \_\_\_\_\_ NO. \_\_\_\_\_ FACILITY/HOUSING UNIT \_\_\_\_\_

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DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

(SEE REVERSE SIDE FOR INSTRUCTIONS FOR APPEAL TO DIRECTOR OR DIRECT SUBMISSION TO DIRECTOR)



Exhibit 'A', pg. 1

THEOD  
PO Box 8062  
Watertown, New York 13601

*The Journal of Anglo-Saxon Théodish Belief*

Dear Chaplain Donner,

January 6, 2004

Please accept my humble apologies for the long delay in getting this review to you, re the petition for religious recognition submitted by Wolfgang Rüst. We are small, with few resources, and it has been an incredibly busy season for us.

As we review these particulars, we hope it will be possible to bear certain constraints in mind. One important concern is the degree to which the modern recovery of any atavistic religious practice, and especially its practice behind bars, will be bound to be perpetually a work in evolutionary progress. There will be some things that can only be learned and understood by experience. One is the degree to which incarcerated practice must differ from the more general orthodoxy. The case of Léoden Rüst is novel, from our point of view, in that we have never had any previous experience of Théodism as it ought to be validly practiced behind bars. I think this issue will become clearer as we proceed.

For one thing, the stanbæth to which Léoden Rüst refers (p. 1 Item 2) is probably a more important consideration than it might seem. In the outside world, I know of no Théodish ætt which currently uses this technique, because on the outside we don't really need to, being free, in practical terms, to cultivate spiritual purification in a variety of ways. Obviously, in a regulated punitive environment, any votary's needs will be quite different. In Théodish congregational practice anywhere, the bringing of personal spiritual purity into the holy stead is of special religious importance. Considering that life in a cell block may not always be reliably conducive to the optimal achievement of such a state, there does need to be some foolproof process for bringing it about. The great advantage of a stanbæth, when properly used, is its reliability as a means of spiritual purification.

In all of these itemized particulars, it appears to me that Léoden Rüst has done his doctrinal homework quite faithfully, even if the importance of some of them may not be readily obvious from casual outside observation. For one thing, the sacral functions of symbol, why it needs to be held indoors and should use mead as a sacramental drink, may not be apparent to someone who has not experienced this ancient religious custom on its own terms, for all that there are indeed analogies with some of the practices of other religions.

If I may be allowed to amplify, it is the belief in Théodism, as well as in some other schools of heathenry, that human interactions with the gods fall into two general classes, these being passive kinds, most properly held outdoors, and active kinds, which need to be done in an enclosed space. Symbol is one of these latter kinds, being a type of refereed boasting and toasting ritual, over a sacramental drinking horn, conducted in the hearing of the gods, which the congregation of mortals uses to negotiate and shape its "covenant," if you will, its collective luck and destiny, with the gods and other invisible wights.

For reasons that are doctrinally complex, the belief is that man's main or "magic" has no power, over the whim of either gods or mortals, in the open air. It is further believed, for several reasons, that the appropriate symbol drink is honey mead. Mead is not only the drink thought to be most beloved among the gods and other invisible wights, but its effect on the human mind is also peculiar, as alcoholic drinks go, being specially conducive to the inspired poetic state of lofty-

## Exhibit 'A', pg. 2

mindedness that the delicate business of proper symbol calls for. In practical terms, the experience of heathens is that while it is as possible to become intoxicated on mead as on any other wine, honey mead alcohol nonetheless is freer of the "depressive" quality that is characteristic of just about any other kind of alcohol ingestion, and is instead always uplifting. All traditional symbol custom similarly exists for one important reason or another. Even the drinking horn is important, for two main reasons. Firstly, that it is organic, thus maintaining a "live link" with the spiritual dynamics of the symbol setting; secondly, that it has a natural spiritual polarity, with the point being positive or "worthy" and the mouth being negative or "frithy."

It may be important to note that while many of the concepts along the way of such things may sound silly or superstitious to outsiders, they are not our own mere Théodish conceits. It can be seen that Léoden Rüst has cited many religious, scholarly and folkloric sources for the propositions advanced in his petition, and the body of literature he cites is for the most part very familiar territory to those acquainted with the evolution and existential formulation of traditional Théodish doctrine.

It should also be asserted that the citation of need for a roped-off outdoor space, in addition to an indoor enclosed one, is not a frivolous concern. Although, as noted above, the outdoor holy interactions are characterized as "passive," this is not to say that they are without import, significance and consequence in the practice of Théodism. One way to express the relationship between indoor and outdoor holy space would be to characterize the outdoor as religiously "frithy" (*i.e.*, as in "frithstead") and the indoor as "worthy". Not just in Théodism but throughout the heathenry of old, as recorded by ancient writers all the way back to Tacitus, the importance of "holy ground" as the site of religious practice would be impossible to overstate. The doctrinal issues concerning the relative "holiness" or profaneness of a plot of ground, in heathen terms, would, again, be a complex topic to properly elaborate upon. To be brief, however, suffice it to say that wherever possible a naturally "holy" plot of ground has always been preferred. Where that is not possible, however, there are usually ways to hallow whatever plot of ground may be available for use. In either case, the practice all the way back over the millennia has been to rope off that particular patch of ground in a certain prescribed way and ward it from casual profanation by every practical means.

In sum, as to the items Léoden Rüst cites as necessary to full Théodish practice, all have their important needful uses and none of them are frivolous. If Léoden Rüst is able to have all these things available to the use of his Léode, he will be able to conduct Théodish observances in a remarkably rich and complete way, considering being behind bars.

As to the calendar of Théodish observances, beginning p. 3, this has been the traditional Théodish calendar during our history since 1976. Beyond that, two points should be noted. One is that Théodish ætts operating in isolation (such as in an incarcerated setting) are not obliged to conform to the two monthly thingtides as set by the King, but can set them according to their own needs. In the outside world, it has been common for us to adjust the exact dates of these to nearest weekend dates, for the better convenience of working people. In an incarcerated setting, where such concerns may not be necessary, local Léodens have license to adjust such thingtides to the actual moon calendar dates as they may choose.

The second consideration is that, at present, the Théodish religious calendar is currently undergoing a process of review and radical reform. It will still be an eight holiday calendar, but a different set of dates for many holidays must be anticipated, with an explanatory literature on the revisions to be prepared and promulgated at a later time.

It should be noted that Léoden Rüst's section beginning p. 4, entitled "Review Methodology

Exhibit 'A', pg. 3

"For All Folk Religions" is, from the Théodish point of view, well-argued. Essentially he is asserting that to constrain the characteristics of a folk religion to the anatomical model of a revealed religion is unfairly debilitating to the former. In both cases, the function of religion is to accommodate the votary into the epistemological context of that overarching spiritual reality which transcends and is larger than himself, but in fact the two modalities are very different. Folk religions, of which Théodism is fairly typical, are not revealed nor based around a holy book or other fixed unchanging corpus, but evolve empirically over historical time in the folk traditional dynamic, and operate on a particular consensus of tested and accepted principles, including those sometimes subject to revision, rather than a fixed code presumed to be essentially mysterious and untestable. They are characteristically world-accepting, non-dualistic, non-salvationist, and based in a very different kind of theology and metaphysic from the more familiar Abrahamic model. They are, however, no less religions for all of that, though they may seem incomprehensible in many ways to anyone unwilling to afford them the justice of understanding and evaluating them on their own terms.

Léoden Rüst's section on "Justification, Separation From Ásatrú," beginning on p. 8, is a lengthy demonstration from which several points of argument may be derived. Rüst makes the case that, while all the Germanic cultures derived their god concepts from a common cultural root stock, their resulting ethnosppecific traditional theologies were nonetheless as various over time and experience as their ethnosppecific tribal personalities. His resume of the literature on the subject is exhaustive enough to show how strenuously and variously the best scholars in the field can, with nothing more than the surviving literary corpus to go on, argue for almost any number of gods and god natures to be dancing on the head of a pin. Similarly various are the kinds of holy calendars and modes of celebration of these pantheons among the sundry Germanic cousin-tribes, both historically and between today's Ásatrú and Théodism. Between these latter two, the religious purposes and functions are different enough to guarantee that differences between their ecclesiastical calendars will remain intransigently irreconcilable for the foreseeable future. On the other hand, each side can give its internally valid reasons for its preferences, and neither would ever be willingly constrained to the calendrical observances or even concepts of the other.

An even more salient watershed divide between the two culti occurs in the form of their respective metaphysical philosophies, specifically in their attitudes toward mysticism. Théodism derives from traces in the surviving lore a fairly complete ontology of mystic principles, from the forces of nature up to and including the mystic significance of the sacral kingship, all of which tends to be temperamentally regarded as noxious gibberish amongst the rank and file of Ásatrú, even though all the mainstays of it are well-enough attested in their own peculiar lore. The main temperamental difference is the modern "rational" tendencies that have always informed the Ásatrú thesis, as opposed to the "arational" mystic tradition of Théodism. It is in this sense, perhaps more than any other, that Théodism and Ásatrú stand out as religions as fundamentally different from one another as either is from, say, Christianity.

The key is in the basic informing concepts. Théodism began as a means of recovering and understanding the elder heathenry as atavistically on its own terms as possible... although without any call for blind faith in the naivetes of the past; any amount of practical testing of elder principles by any interested party as they are recovered is always allowed, even encouraged, in the Théodish thesis. By contrast, Ásatrú has always sought to be a "modern" "cafeteria-style" religion, in which you select whatever fare appeals to your palate and disregard the rest. The object has always been to recover whatever of the ancient thesis and its impedimentia may still seem pleasing and appropriate

in the context of today, with any Ásatrúer always left completely free to reject whatever of it may seem merely superstitious or otherwise repulsive, the practical reasoning being based in a fear of unnaturally "turning back the clock" or otherwise offending contemporary sensibilities, the Asatruer's own or that of his modern peers.

The fact is, Théodism in theory and practice is shot through with such eldritch concepts as witchcraft, dreecraft and maincraft, words which have little or no meaning for an Ásatrúer, other than as perhaps abominable superstitions of a past they would very likely rather forget. Léoden Rüst details this matter fairly exhaustively, making it easy to see why this is one of the profoundest and most sensitive rifts between the two culti, and an area in which, in both directions, the beliefs and practices of the one are apt to seem as horrifying to the sensibilities of the other as the sight of an Easter ham at a Seder Supper.

Léoden Rüst presents an outline of essential Théodish liturgy, terms, practices and concepts that I or any Théodsman would readily recognize and not hesitate to pronounce eminently orthodox, well-schooled and useful, though more oriented toward the doxological side than is the usual emphasis among us in free Théodish practice on the outside. He says less than one might, for instance, about what might be called "cultural" divides between Théodism and Ásatrú, probably because of his overall lack of opportunity to experience them in the round, but in their way these differences are almost as important as the matter of mysticism. Ásatrú has always been, in its cultural thrust, inherently ideological, although the types of ideologies applied to it by different interests have varied considerably, from the extreme Right to the extreme Left and the whole rest of the spectrum in between, as if the Ásatrú thesis were some sort of blank slate upon which any opportunistic ideologue might write large his party line *du jour* as promiscuously as graffiti. And one of the greatest areas of Ásatrú mistrust of Théodism has been Théodism's lack of ideological content of any kind, which makes Théodsman seem to them, in this tortured millennial age, rather like directionless moral jellyfish.

To Théodsman, however, the issues are quite different. To us, Théodism is a religion, specifically an elder religion recovered from a pre-ideological age, and to invest it with any sort of ideology, especially a political one, would only corrupt it. Religion and ideology don't mix. Instead, then, Théodism's cultural emphasis has always been heavily in just that; culture. Théodism has recovered, recreated and published a large corpus over time of elder tongue poetry and galdrorcraft, mediaeval folk and religious music, arts and crafts, and whenever Théodsman come together that is what they spend most of their time and efforts doing and sharing.

To this type of orientation, Ásatrú's general reaction would have to be called very mixed. On the one hand, they generally do not understand it, resent it as invidious, and tend to resent Théodish poets, wizards, priests, loremasters and gleemen (having none of these kinds of people in their own ranks) as culture snobs, even though it's their own elder culture, as much as ours, that we are recovering and rehearsing. On the other hand, they have come increasingly over time to respect it, and sometimes cultivate it and pay money for it, such that most of the books, CDs, crafts and other heathen goods found owned and used throughout the Ásatrú community are Théodish in origin.

In sum, then, Léoden Rüst seems to make about as good a case as could be expected, under the circumstances, for the need to distinguish between Théodism and Ásatrú in the facility, as two culti which could not reasonably be expected to get along without strife, because of being two radically different religions, even though they may seem superficially of more or less the same ilk, worshipping more or less the same or equivalent pantheon of gods. One cannot compare their status

to, say, Catholicism and Protestantism; rather, they sprang from fundamentally different existential origins, and aren't even as closely related as that.

The synopsis as presented does pretty well as a recapitulation of the salient points in the presentation of the Théodish practical thesis, as distinguished from Ásatrú. If there are any other points I should have covered, or which might need to be looked into deeper, I hope that you or your panel will not hesitate to question me further concerning any way in which I might be of further assistance.

Respectfully submitted,

Gárman Lord Cyning  
Winland Ríce of Théodish Belief

Exhibit 'B'

# STATE OF NEBRASKA

## DEPARTMENT OF CORRECTIONAL SERVICES

Robert P. Houston

Director

August 9, 2005

John/Wolfgang Rust #30118  
PO Box 2500  
Lincoln NE 68542-2500



Dave Heineman  
Governor

Dear Mr. Rust:

The Religion Study Committee has discussed your request for the Theodish religion to be given separate time and space for religious worship. The Religion Study Committee recognizes that there are some differences between Theodish and Asatru beliefs. However, the Department of Correctional Services is not able to provide separate time and space to all subsets of a faith. Scheduling one worship time for Asatru and Theodish practitioners is consistent with the way the Department has managed time and space needs for other faiths. Therefore, your request for separate time and space for Theodish worship is denied.

The DCS will continue to allow the Theods to meet separately for study. Also, in response to your request for property, the DCS previously expanded the approved property list for the Asatru/Theodish faith group.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Baldassano".  
Joe Baldassano  
Chair, Religion Study Committee

cc: Steve Marsh, Religious Coordinator-NSP  
Kathy Blum, Legal

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

## INMATE INTERVIEW REQUEST

Exhibit 'C'

TO: Chapel - Steve Marsh DATE: 8-5-05  
 FROM: Wolfgang Rist aka John E. Rust 30118 NAME / NUMBER NSP FACILITY 5-A-20 LOCATION  
 WORK LOCATION: Braille 41 UNIT STAFF:

MESSAGE: Pursuant to our interview today I'm sending this letter to list what I want. As I indicated today on page 6 of 16 in Administrative Regulation 208101 "Religious Services Section B. 3. b. states when the requested faith practice is denied the institutional Religious Coordinator will provide the inmate making the request a written explanation of the denial."

Please provide me with a copy of:

1. The request/recommendation from Religious Coordinator Randy Donars submitted to the Religion Study Committee
2. the recommendations that the Religion Study Committee made on each request in "A Proposal for the Recognition of Shabab Belief" and sent to Hopkins, et al for their review(s) and/or recommendation
3. Any written decisions made by Frank Hopkins, Larry Wayne and/or Robert Houghton on my request in the "A Proposal for the Recognition of Shabab Belief". Thank you

ORIGINAL - DCS Employee

YELLOW - Inmate

Both copies need to be submitted for response.

REPLY: We (Religion Dept.) are not allowed to make (provide) copies, per A.D. Hopkins's directive. The letter from Joe Baldassano tells you everything - I could tell you (the letter is the "written explanation of the denial," which implies some approved addition of property and continued permission to meet separately for study).

8-10-05

S. Marsh

Date

Signature

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step Two  
CENTRAL OFFICE APPEAL**

INSTRUCTIONS:  
TYPE OR USE BALL POINT PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT SHEET IN TRIPPLICATE.

From: Rust, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL30118  
NO/GROUPN.S.P. 5-A-20  
INSTITUTION

page 1 of 9

**\*Part A – REASON FOR APPEAL:**

I am dissatisfied with the 8/23/05 response to my Informal Grievance and the 9/8/05 response to my Step One Grievance and I want to reiterate the same issue raised in both of the aforesaid Grievances.

The Civil Rights Act 1964, 701 et seq., as amended 42 U.S.C. §2000-16 sets forth the definition of religion: "to be a bona fide religious belief entitled to protection under either the First Amendment or Title VII, a belief must be sincerely held and within the believers own scheme of things religious." The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) 42 U.S.C. §2000cc-5(7)(a) sets forth the current constitutional standard of review for Free Exercise cases defines "the term 'religious exercise' includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief."

September 15, 2005  
DATE

Wolfgang Rust  
SIGNATURE  
Wolfgang E. Rust

\*THE COMPLETED INSTITUTIONAL GRIEVANCE FORM, INCLUDING THE CHIEF EXECUTIVE OFFICER'S/SUPERINTENDENT'S RESPONSE, MUST ACCOMPANY THIS APPEAL.

**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

9-28-05  
DATE

See attached response.

J.K. Hokin Jr  
DIRECTOR

ORIGINAL: TO BE RETURNED TO INMATE/STUDENT AFTER COMPLETION.

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step Two****CENTRAL OFFICE APPEAL**

INSTRUCTIONS:  
TYPE OR USE BALL POINT PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT SHEET IN TRIPPLICATE.

From: Rüst, Wolfgang/John E.  
LAST NAME, FIRST, MIDDLE INITIAL

30118

N.S.P. 5-A-20

NO/GROUP

INSTITUTION

Page 2 of 9

**\*Part A – REASON FOR APPEAL:**

The Department can consider whether the inmate's beliefs find any support in the religion to which they subscribe. However, the U.S. Supreme Court has consistently held this inquiry cannot question or determine: 1. the centrality of particular beliefs or practices to a faith, 2. the validity of particular interpretations of these creeds, 3. determine which intrafaith differences in belief or practice is acceptable and/or correct, 4. the validity of any belief or practice.

Consideration of whether Théodish Belief inmate's beliefs/practices find support in the religion to which they subscribe was fulfilled when the Department received and reviewed each of the following 4 letters from Theodish Belief Sacral King Gárman Lord (hereinafter "Gárman"): the "1/6/04 letter from Gárman responding to NSP Religious Coordinator Randy Donner's request for a review/comment on both the "Synopsis of the

September 15, 2005  
DATE

Wolfgang Rüst  
SIGNATURE  
aka John E. Rüst

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**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

DATE

DIRECTOR

ORIGINAL: TO BE RETURNED TO INMATE/STUDENT AFTER COMPLETION.

**Part C – RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

NO/GROUP

INSTITUTION

I acknowledge receipt this date of the above inmate's/student's appeal from the response received from the following complaint: \_\_\_\_\_

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SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM**  
**Step Two**  
**CENTRAL OFFICE APPEAL**

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From: Rüst, [REDACTED] Wolfgang / John E.

LAST NAME, FIRST, MIDDLE INITIAL

30118

NO/GROUP

N.S.P 5-A-20

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Page 3 of 9 , \*Part A - REASON FOR APPEAL:  
 Differences Between Theodish Belief and Asatru (hereinafter, "Synopsis") and the "A Proposal for the Recognition of Theodish Belief (hereinafter "Recognition"); the "3/4/04 letter from Garman to the Religious Study Committee and other concerned parties"; the "(undated) July 2004 and September 1, 2004 letters in which Garman responds to questions from Gary Grammer, Chair, Religion Study Committee".

The Department refused to conduct a full, fair, and unbiased review of our Proposal (this Proposal includes each of the aforesaid: 4 letters from Garman, the Synopsis, and the Recognition) pursuant to the constitutional review standard mandated by the "Civil Rights Act of 1964", "RLUIPA", & "relevant U.S. Supreme Court decisions" which are set forth at pages 1 & 2 supra. Instead, the Department reinterpreted the Proposal that resulted in the specious decision set forth in the 8/9/05 letter from Joe Baldassano, Chair, Religion Study Committee.

September 15, 2005

DATE

Wolfgang Rüst  
John E. Rüst

SIGNATURE

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N.S.P. 5-A-20

NO/GROUP

INSTITUTION

Page 4 of 9                    \*Part A – REASON FOR APPEAL:  
 The Step One Response, states: "While there may be some differences between Asatrú & Théodish practices, information provide to the NDCS is that both groups descend from Northern Heathenry & do worship together in the community." is specious for these reasons:

FIRST: Both Garman (see Exhibit 'A' annexed to Step One Grievance) and the entire Proposal state that Théodism and Asatrú are fundamentally different religions and one cannot compare their status to, say, Catholicism and Protestantism; rather they sprang from fundamentally different existential origins.

SECOND: The mere fact that both groups descend from Northern Heathenry is a specious justification to compell the 2 groups to worship together or to determine these 2 groups can be lumped together as one faith. Judaism, Islam, & Christianity descend

September 15, 2005  
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SIGNATURE

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N.S.P. 5-A-20

NO/GROUP

INSTITUTION

Page 5 of 9      \***Part A – REASON FOR APPEAL:**  
 from the same Abrahamic system but the Department doesn't require these 3 groups to worship together or lump them together as the same faith as applied to Théodism and Asatrú. The Abrahamic descended Judaism, Islam, & Christianity faiths sprang from different existential origins. This is what Garman's 1/6/04 letter, on page 5, states that Théodism and Asatrú "sprang from fundamentally different existential orgins".

THIRD: the determination that both groups "do worship together in the community" cannot be utilized under the existing constitutional standard of review because: 1. the Department can only review Théodish inmates sincere religious beliefs/practices as set forth in the Proposal, and 2. the Proposal did not state that both groups worship together in the community, in fact, Garman's 1/6/04 letter states "that Théodism and Asatrú stand out as religions as fundamentally different from one another as

September 15, 2005  
DATE

Wolfgang Rüst  
SIGNATURE  
aka John E. Rüst

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30118  
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N.S.P. **5-A-20**  
 INSTITUTION

Page 6 of 9                   **\*Part A – REASON FOR APPEAL:**  
 either is from, say, Christianity" & "Leodon Rüst details this matter fairly exhaustively, making it easy to see why this is one of the profoundest and most sensitive rifts between the two culti, and an area in which, in both directions, the beliefs and practices of the one are apt to seem as horrifying to the sensibilities of the other as the sight of an Easter ham at a Seder Supper."

We have not been provided with a written explanation as to the denial of the following Sacred items/practices necessary for valid Theodish practice: Eormensyl, Stánbæs with the necessary items to conduct Sacred Stánbæs, Hazel Wood Stakes with twine (yarn) for Fridgeard, Sacred Sacrificial Feasts of ritual foodstuffs, Sacred Cast Iron Pig, Fire Twirl to start the Sacred Needfires, Nine Kinds of Sacred Wood for Sacred Needfires, Weofod of heaped stones, Blowing Horn, Wood Ladle, Wood Spoon, Herbs,

September 15, 2005  
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N.S.P. 5-A-20

NO/GROUP

INSTITUTION

Page 7 of 9

**\*Part A – REASON FOR APPEAL:**

Récel's & Récelfæt, Mortar & Pestle, Anointing Oil, Weohhas, Ritual Banners, Besom, Hobbyhorse, Boars Tusk, Corn Dollies/Straw Figures, Blot-tanns for ritual use, Protection Sachets/Pouches, Theodish Belief Holy Tides & Thingtides, 2 long benches with table between benches, Brisingamen aka Torque, Blótorc, Altar/Rune Casting Cloth, Stag Antler, Evergreen boughs, Drinking Horn with Stand, Oak Yule Logs, Sutton Hoo Harp, Hand Rattles, Wood Wand, Salt, Oak Hammer, Oath Ring, Rune Staff, Candles & Candle Holder, Hand drum, miniature Plow & Wagon, a separate Sacred Space, allow Theodish inmates to exchange religious books/pamphlets/written material to learn Theodish practices, ritual mead, Anglo-Frisian Futhorc staves, cloak/blanket for ritual meditation, etc. That Garman, in his 1/6/04 & 3/4/04 letter (that were submitted to the Religion Study Committee) states: "the items Leoden Rüst asks to be allowed are indeed

September 15, 2005

DATE

Wolfgang Rust

SIGNATURE

\*THE COMPLETED INSTITUTIONAL GRIEVANCE FORM, INCLUDING THE CHIEF EXECUTIVE OFFICER'S/SUPERINTENDENT'S RESPONSE, MUST ACCOMPANY THIS APPEAL.

**Part B – RESPONSE AND REASONS FOR DECISION REACHED**

DATE

DIRECTOR

ORIGINAL: TO BE RETURNED TO INMATE/STUDENT AFTER COMPLETION.

**Part C – RECEIPT**

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

NO/GROUP

INSTITUTION

I acknowledge receipt this date of the above inmate's/student's appeal from the response received from the following complaint:

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step Two****CENTRAL OFFICE APPEAL**

INSTRUCTIONS:  
TYPE OR USE BALL POINT  
PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT  
SHEET IN TRIPPLICATE.

From: Rust, Wolfgang/John E.

LAST NAME, FIRST, MIDDLE INITIAL

30118

NO./GROUP

N.S.P. 5-A-20

INSTITUTION

Page 8 of 9      \***Part A – REASON FOR APPEAL:**  
 necessary to valid Theodish practice, to the extent that such observance without them would be bound to be unacceptably debilitated." The aforsaid items/practices stand in direct apposition to the Sacred ritual items/practices the Department has authorized for other religious groups within the NDCS to use in their respective Sacred rituals, etc.

The Department's decision(s): 1. the compelled one communal worship time for Asatrú and Theodish practitioners on the same communal Sacred Space, 2. the compelled communal use of the same Sacred religious property. & 3. the refusal to authorize the requested Sacred items/practice necessary for valid Theodish practice, that stand in direct apposition to the Sacred religious items/practices the Department has authorized to other religious groups within the NDCS to use in their respective Sacred rituals, is in direct violation of: Freedom of Speech, Freedom of

September 15 2005  
DATE

Wolfgang Rust  
SIGNATURE  
John E. Rust

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DIRECTOR

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## NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM****Step Two****CENTRAL OFFICE APPEAL**

INSTRUCTIONS:  
TYPE OR USE BALL POINT PEN. IF MORE SPACE IS  
NEEDED, USE ATTACHMENT  
SHEET IN TRIPPLICATE.

From: Rüst, Wolfgang/John E.

LAST NAME, FIRST, MIDDLE INITIAL

30118

N.S.P. 5-A-20

NO/GROUP

INSTITUTION

Page 9 of 9

**\*Part A - REASON FOR APPEAL:**

Association, Freedom of Assembly, RLUIPA's Free Exercise provisions, Establishment Clause, Equal Protection of the United State & Nebraska Constitutions, Civil rights Act of 1964, 42 U.S.C. §1983 & §1985 and relevant Nebraska statutes. It is not the province of NDCS government officials to determine what shall be religious orthodoxy for Théodish Belief inmates as occurring in the review & decision(s) rendered on our Proposal.

Relief requested: Immediately rescind the decision(s) to schedule one worship time for Asatrú and Théodish practitioners on the same communal sacred space, the requirement of communal use of the same Sacred Ritual Religious property, and the denial of all Théodish Belief Sacred items/practices requested in the Proposal.

September 15, 2008  
DATE

Wolfgang Rüst  
SIGNATURE  
AKA John E. Rüst

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**Part B - RESPONSE AND REASONS FOR DECISION REACHED**

DATE

DIRECTOR

ORIGINAL: TO BE RETURNED TO INMATE/STUDENT AFTER COMPLETION.

**Part C - RECEIPT**

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INSTITUTION

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NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

**GRIEVANCE FORM**

**Step Two  
Central Office Appeal**

**RESPONSE AND REASONS FOR DECISION REACHED**

Inmate Name: Rust, Wolfgang (John)

Inmate Number: #30118

Date Received: September 16, 2005

Grievance Number: #05-0926

Subject: Religion

Response:

The Department recognizes the Theodish religion and has made arrangement for the practitioners to worship and study.

9-28-05  
Date

J.W. Hopkins Jr.  
Director